

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

Re: ECF No. 9530

(Jointly Administered)

URGENT MOTION FOR BRIEF EXTENSION OF DEADLINE

To the Honorable United States Magistrate Judge Judith Gail Dein:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf of the Commonwealth of Puerto Rico (the “Debtor”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this urgent motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in this Court’s *Memorandum of Decision and Order Regarding COPI’s Rule 2004 Request* [ECF No. 9530] (the “Order”).²

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² The Financial Oversight and Management Board for Puerto Rico, as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this Urgent Motion on behalf of the Commonwealth.

Request for Relief

1. On May 8, 2019, the Cuerpo Organizado de la Policía, Inc. (“Movant”), filed a *Motion of Cuerpo Organizado de la Policía, Inc. for Order, Under Bankruptcy Rule 2004, Authorizing Discovery of Title III Debtors Other than COFINA, Concerning Salaries Owed Pursuant to Pay Scales Granted by Law* [ECF No.6871] (the “Motion”), requesting that the Court: (i) authorize the Movant’s request for production of documents concerning salaries owed for past promotions that have allegedly not been paid by the Puerto Rico Police Department; (ii) authorize the issuance of the document request contained in Exhibit B of the Motion; and (iii) direct the Debtor to meet and confer with Movant regarding the timing of the production. Motion p. 8.

2. On October 11, 2019, the Debtor produced information and documentation responsive to the Motion and filed a Motion Informing Compliance with Rule 2004 Request (the “Motion to Inform”) [ECF No. 8842].

3. On October 24, 2019, the Debtor and Movant filed their *Urgent Joint Motion in Compliance with Order* [ECF No. 8905] *Providing the Required Brief Joint Status Report* requesting that the Court enter a proposed briefing schedule. [ECF No. 8950]

4. On October 25, 2019, the Court entered an order providing that any response to the Motion to Inform must be filed by November 1, 2019 and Debtor’s reply by November 11, 2019. [ECF No. 8995]. Thereafter, the Court would take the Motion to Inform on submission, unless the Court ordered otherwise.

5. On December 10, 2019, this Court entered the Order [ECF No. 9530] in which it established the scope of Movant’s Rule 2004 request. Essentially, the Court concluded that the Puerto Rico Police Bureau (the “PRPB”) only had to produce the requested information as to “each Police Officer who has not received payment from the Commonwealth, and for each Police Officer

who has received payment from the Commonwealth but who has not executed a waiver” [ECF No. 9530 at 12]. Consequently, the Court ordered the Parties to meet and confer to: (1) “determine which documents the Debtor will produce to provide [the required] information” [ECF No. 9530 at 12]; and (2) “determine the number and identity of the Police Officers who have not received payment from the Commonwealth, and those who received payments but have not executed a waiver.” [ECF No. 9530 at 12].

6. The Parties met and conferred on December 19, 2019 to comply with the Order and the Debtor, through the Department of Justice (“DOJ”), has prepared a draft of the joint status report in connection with the Order, which still needs to be circulated with Movant for its approval. However, due to the closure of the government as a result of the Christmas holiday, the Debtor needs additional time to finalize the joint status report, coordinate with Movant, and jointly file the same. Accordingly, the Debtor requests a brief extension, of seventy-two (72) hours, of the deadline set forth in the Order as follows:

- The deadline to file the joint status report in connection with this Court’s Order in Docket Entry 9530 shall be extended to **December 27, 2019**.

7. Pursuant to Paragraph 1.H of the *Tenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 8027-1] (the “Case Management Procedures”), the Debtor hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

Notice

8. The Debtor has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;³ (i) all parties filing a notice of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtors' case website at <https://cases.primeclerk.com/puertorico/>.

9. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtor requests the Court enter the Proposed Order and grant such other relief as is just and proper

Dated: December 24, 2019
San Juan, Puerto Rico

Respectfully submitted,

/s/ Luis C. Marini-Biaggi
Luis C. Marini-Biaggi
USDC No. 222301
Email: lmarini@mpmlawpr.com

/s/ Carolina Velaz-Rivero
Carolina Velaz-Rivero
USDC No. 300913
Email: cvelaz@mpmlawpr.com

³ The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

MARINI PIETRANTONI MUÑIZ LLC

250 Ponce de León Ave.
Suite 900
San Juan, Puerto Rico 00918
Tel: (787) 705-2171
Fax: (787) 936-7494

*Attorneys for the Puerto Rico Fiscal
Agency and Financial Advisory Authority*

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Exhibit A

Proposed Order